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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re: )  
CHARLES WATTS )  
AUDREY WATTS, )  
Debtors. )

Case No. 08-42281-JBR  
Chapter 13

**MOTION OF CHAPTER 13 TRUSTEE TO DISMISS CASE**

Now comes Denise M. Pappalardo, Chapter 13 Trustee and moves for an order dismissing the above captioned case. In support of this Motion, the Trustee states as follows:

(X) 1. The Trustee has reviewed the claims register maintained by the clerk of courts for this case. The confirmed plan fails to adequately address those claims filed before the claims bar date. The Trustee submits that the Debtor's failure to address the claims as filed or to file an amended plan constitutes an unreasonable delay prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1).

2. The Debtors are in arrears according to the terms of the confirmed plan totaling \$ 5462.00 representing 3 monthly payments. Failure to make timely payments to the Trustee is a material default by the Debtor with respect to a term of the confirmed plan and is grounds for dismissal pursuant to 11 U.S.C. §1307(c)(6).

Any response to this motion must be filed within twenty (21) <sup>one</sup> days. If no timely response is filed, the Court may act on this motion without further notice as provided by 11 U.S.C. §102(1)(B).

WHEREFORE, the Trustee requests that this Court enter an order dismissing this case.

Respectfully submitted,

Date 1/6/10

/s/Denise Pappalardo  
Denise M. Pappalardo, BBO # 553293  
Standing Chapter 13 Trustee  
PO Box 16607; Worcester, MA 01601  
508-791-3300; denisepappalardo@ch13worc.com

**Certificate of Service**

I, Denise M. Pappalardo, certify that I have served a copy of the foregoing motion on this date to the following via first class mail and/or electronically:

**Debtor(s):**  
CHARLES WATTS  
AUDREY WATTS  
11 YOUNG AVENUE  
LAWRENCE, MA 01841

**Attorney for Debtor(s):**  
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/s/Denise Pappalardo, Denise M. Pappalardo, Standing Chapter 13 Trustee